

KENTUCKY DEPARTMENT OF PUBLIC ADVOCACY's



DEFENDER CASELOAD REPORT

Fiscal Year 1997 - 1998

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Public Advocate

November 1998

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DPA DEFENDER MISSION STATEMENT

To provide each client with high quality services through an effective delivery system, which ensures a defender staff dedicated to the interests of their clients and the improvement of the criminal justice system.

DIVISION MISSION STATEMENTS

Law Operations

As a team, effectively and efficiently provide all necessary support services to our internal and external DPA customers and meet the agency's mission of high quality representation.

Trials

To provide competent and qualified conflict-free counsel for every eligible client. To ensure that our attorneys and support staff have manageable caseloads in accord with the highest ethical principles and nationally accepted standards. To insure that our attorneys and support staff receive fairer compensation, that they have the use of and education for the most advanced technological assistance, and that our offices are professional in appearance. To provide all appropriate education and career development for our attorneys and support staff to help raise the level of practice of our attorneys through coaching, case reviews, co-counseling, and better hiring decisions. To continue to move DPA toward the full-time delivery method as the primary mode of delivery. To insure that the capital trial branch is fully staffed with experienced people who are coaching the next generation of capital litigators and, further, to insure that in every capital case pending, each client has competent counsel.

Post-Trials

Through high-quality representation, defend the life and liberty of post-trial clients and protect the statutory and constitutional rights of those incarcerated or confined by the state.



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Introduction and Executive Summary

Fiscal Year 1997-1998 was both a time of growth and reflection for the Kentucky Department of Public Advocacy. During last fiscal year, the agency: obtained funding for Plan 2000, that will bring full-time public defender services to thirty new counties by opening five new offices and adding counties to existing offices; received funding for the new Capital Post-Conviction Branch's Conflict Office and attorneys; significantly enhanced the agency's juvenile services by hiring additional trial and appellate lawyers, an in-house trainer, and two social workers; restructured its Trial Division supervision/service delivery structure; assisted in the development, passage, and implementation of the 1998 Racial Justice Act; obtained significant additional resources to obtain salary and caseload equity in the Louisville and Lexington offices; and significantly improved its information technology abilities through the purchase of additional and upgraded computer hardware and software that will allow remote offices to access central databases and libraries.

While all of these activities and accomplishments were occurring, the Department, in addition to taking the external, proactive stance required of litigators and advocates, continued to review its internal goals, operations, and foci. In pursuit of a more effective, efficient system of operations, and, in turn, a more efficient, effective service delivery system for our clients, the Department: began forming the Public Advocate' Workgroup on Professionalism and Excellence; began an agency-wide self-examination process designed to assist our staff and administrators in developing new ways to perceive and deliver their roles and responsibilities internally and externally; and revised individual and agency performance standard practices.

HIGHLIGHTS OF KENTUCKY DEPARTMENT OF PUBLIC ADVOCACY DEFENDER CASELOAD DATA

(comparing FY 97 to FY 98 data)

- Overall agency caseload is stable;
- 92% of caseload is at trial level;
- 18,772 juvenile cases;
- Trial attorney caseloads dropped (517 vs. 480) and the overall caseload was down by over 3,000 cases from the preceeding fiscal year (96,484 vs. 93,238);
- Funding per case at Trial Level is up from \$132 to \$149;
- Part-time / Full-time funding per case is comparable (\$138 vs. \$152); and
- overall funding per case is up (\$161 vs. \$183).

While the Department made great strides during the last fiscal year, they did not come at an easy cost: many of the initiatives described above depend upon soft funding, so their longevity is tenuous; Kentucky retained its position at the bottom of the majority of quality public defense standards – one of the lowest average funding rates per case (\$184), and one of the highest average case per attorney ratios (449 per attorney). While careful husbanding of resources is of paramount concern, an analysis of Kentucky's cost/case assignment figures compared to accepted market rates and practices reflects a severely underpaid and overburdened staff whose constitutionally mandated work product – representation of the constitutional rights of the Commonwealth's criminally accused and convicted indigents – cannot but be affected by the adverse conditions they are subject to.

As you review the following statistical reporting of our Department's achievements and activities over the past fiscal year, please keep in mind that we have set some ambitious goals for the upcoming fiscal year and beyond. Many of these depend upon the agency receiving enhanced funding through general fund appropriations, increased client revenues, and government and foundation grants.

Thank you for your interest in the Department of Public Advocacy. My staff and I are always available to answer any questions you may have about our agency and its operations, and we hope that you find the following report useful and informative.

Erwin Lewis
Public Advocate

**DEPARTMENT OF PUBLIC ADVOCACY
FISCAL YEAR 98 REPORTED OPENED CASES
July 1, 1997 - June 30, 1998**

TRIAL

I. Part-Time DPA Trial Contract Counties: TOTAL 72 COUNTIES

Population	1,496,795
DPA Dollars	\$2,057,303.80
Local Dollars	\$173,513.00
Other Dollars ¹	\$300,242.00
Recoupment Dollars	\$535,676.50
Total Dollars	\$3,066,735.30
Reported Cases	22,123
Average Trial Contract Case Funding	\$138.62

II. Full-Time DPA Offices: TOTAL 48 COUNTIES, 18 OFFICES

Population	2,132,113
DPA Dollars ²	\$8,254,426.71
Local Dollars ²	\$1,099,944.75
Recoupment Dollars ^{2, 3}	\$446,432.11
Other Dollars ¹	\$1,005,158.00
Total Dollars	\$10,805,961.57
Reported Cases	71,115
Avg. Full-Time Trial Case Funding	\$151.95

III. Total Trial

Total Trial Cases	93,238
Total Trial Dollars	\$13,872,696.87
Avg. Total Trial Case Funding	\$148.79

POST TRIAL

I. Appellate

Population	Statewide
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In-House

Appellate Dollars	\$956,237.80
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Appellate Cases ⁴	126
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Average In-House Case Funding	\$7,589.19
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"Of-Counsel"

Appellate Dollars	\$236,416.62
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Appellate Cases	257
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Average Of-Counsel Case Funding	\$919.91
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Louisville Office^{5, 6}

Population	644,937
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Appellate Dollars ²	\$267,339.96
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Appellate Cases	67
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Average Case Funding	\$3,990.15
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Lexington Office⁷

Population	225,366
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Appellate Dollars ²	\$31,823.44
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Appellate Cases	71
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Average Case Funding	\$448.22
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Total Appellate

Appellate Dollars ^{2, 5, 7}	\$1,497,094.75
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Appellate Cases	521
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Average Case Funding	\$2,873.50
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II. Post-Conviction**Adult Post- Conviction**

Adult Post-Conviction Dollars ⁵	\$1,144,117.77
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Adult Post-Conviction Cases	6,516
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Average Case Funding	\$175.59
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Juvenile Post-Dispositional

Juv. Post-Disposition Dollars ⁵	\$404,636.23
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Juv. Post-Disposition Cases	909
Average Case Funding	\$445.14

Capital Post-Conviction⁸

Capital Post- Conviction Dollars ⁵	\$357,278.02
Capital Post-Conviction Cases	26
Average Case Funding	\$13,741.46

Total Post-Conviction

Post Conv./Disp. Dollars	\$1,906,032.02
Post Conv./Disp. Cases	7,451
Average Post-Trial Case Funding	\$255.81

III. Post-Trial Total Dollars

Total Post-Trial Cases	7,972
Total Post-Trial Dollars	\$3,143,475.25
Avg. Total Post-Trial Case Funding	\$394.31

GRAND TOTALS

Population	3,628,869
DPA Dollars ⁹	\$16,146,493.59
Local Dollars	\$1,358,726.50
Recoupment Dollars	\$983,737.55
Total Dollars	\$18,488,957.64
Total Reported Cases	101,210
Funding Per Case	\$182.68
Funding Per Capita	\$5.09

Footnotes

¹-Includes percentage of Trial Division's administrative, investigative, and conflict costs which goes directly to the private bar. Also includes the Department of Public Advocacy's Capital Trial Branch which represents clients at the trial level in mainly contract counties. Percentage is based on number of cases by part-time or full-time offices.

²-In Fayette and Jefferson Counties, the cost of post-trial representation was subtracted from DPA dollars, recoupment dollars, and local dollars received to provide indigent legal services.

3. Recoupment of \$203,850.78 for DPA field offices not included in total. Recoupment is used for statewide purposes and is added in the grand total.
4. Includes 6 death penalty appeals, requiring 2 lawyers per case.
5. Includes percentage of Post-Trial Division administrative costs. Percentage is based on number of cases reported by function compared to total post-trial cases.
6. In Jefferson County, costs associated with processing and perfecting appellate cases are not separated from the total cost of providing criminal legal services to indigents. Jefferson County has an in-house appellate branch similar to the Department of Public Advocacy's Frankfort full-time office. Due to this fact, the costs attributed to the processing and perfecting of appellate cases is an assumption based on the number of original appellate briefs filed versus staff closing appeals.
7. Fayette County uses full-time trial staff in an "of-counsel" arrangement to perfect appeals.
8. In the Capital Post-Conviction Branch, DPA counts clients and not case or cases as a result of the client/individual. This is due to the unique nature of capital litigation.
9. Besides other dollars listed in Trial, includes the percentage of the Department of Public Advocacy's overall administrative and support function costs devoted to the defender component of the Department's two primary mandates. The other mandate being KRS Chapter 31, Protection and Advocacy.



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DPA TRIAL LEVEL FUNDED COST PER CASE ANALYSIS BY COUNTY - FISCAL YEAR 1998

I. PART-TIME CONTRACT COUNTIES: TOTAL 72 COUNTIES

COUNTY	POP.	POVERTY	%PVTY.	%UNEMP	DPA\$	LOCAL\$	RCPMT\$	TOTAL\$	CASES	COST/CASE
ADAIR	15,360	3,744	24.4	7.6	\$26,624.00		\$1,130.00	\$27,754.00	193	\$143.80
ALLEN	14,628	3,548	24.3	3.8	\$11,697.00	\$11,083.00	\$1,895.00	\$24,675.00	144	\$171.35
ANDERSON	14,571	1,339	9.2	3.7	\$15,312.00		\$3,878.88	\$19,190.88	123	\$156.02
BALLARD	7,902	1,443	18.3	6.3	\$12,460.00		\$11,936.00	\$24,396.00	134	\$182.06
BARREN	34,001	7,160	21.1	6.2	\$52,384.00	\$17,950.00	\$24,615.00	\$94,949.00	712	\$133.36
BATH	9,692	2,598	26.8	8.2	\$24,548.00		\$1,170.00	\$25,718.00	28	\$918.50
BELL	31,506	11,209	35.6	7.5	\$30,126.00		\$10,444.00	\$40,570.00	1210	\$33.53
BOONE	57,589	4,221	7.3	3.6	\$32,829.00	\$18,000.00	\$46,064.47	\$96,893.47	1030	\$94.07
BOURBON	19,236	3,330	17.3	3.1	\$18,784.00	\$15,000.00	\$3,975.51	\$37,759.51	291	\$129.76
BOYLE	25,641	4,043	15.8	4.5	\$31,028.00		\$5,142.50	\$36,170.50	262	\$138.06
BRACKEN	7,766	1,643	21.2	5.7	\$8,316.00	\$2,909.00	\$1,097.00	\$12,322.00	52	\$236.96
BRECKENRIDGE	16,312	3,743	22.9	6.4	\$18,720.00		\$2,310.00	\$21,030.00	475	\$44.27
BULLITT	47,567	4,917	10.3	3.6	\$56,440.00		\$25,627.50	\$82,067.50	682	\$120.33
BUTLER	11,245	2,616	23.3	7.3	\$12,048.00		\$3,770.00	\$15,818.00	79	\$200.23
CALLOWAY	30,735	4,815	15.7	4.2	\$33,772.00		\$20,071.00	\$53,843.00	465	\$115.79
CAMPBELL	83,866	9,087	10.8	4.4	\$103,420.00		\$21,512.50	\$124,932.50	1466	\$85.22
CARLISLE	5,238	921	17.6	6.0	\$8,728.00		\$6,071.50	\$14,799.50	58	\$255.16
CARROLL	9,292	2,008	21.6	4.8	\$17,360.00	\$3,756.00	\$19,676.11	\$40,792.11	42	\$971.24
CASEY	14,211	4,140	29.1	4.8	\$14,130.00		\$110.00	\$14,240.00	107	\$133.08
CLINTON	9,135	3,447	37.7	8.8	\$8,972.30		\$2,660.00	\$11,632.30	118	\$98.58
CRITTENDEN	9,196	1,686	18.3	7.7	\$12,372.00		\$12,765.17	\$25,137.17	124	\$202.72
CUMBERLAND	6,784	2,112	31.1	12.0	\$8,080.00		\$240.00	\$8,320.00	63	\$132.06
DAVIESS	87,189	13,179	15.1	5.5	\$113,556.00		\$23,180.00	\$136,736.00	1942	\$70.41
EDMONSON	10,357	2,783	26.9	8.7	\$12,920.00		\$2,440.00	\$15,360.00	114	\$134.74
FLEMING	12,292	3,086	25.1	5.7	\$14,548.00	\$1,200.00	\$2,196.50	\$17,944.50	116	\$154.69
FULTON	8,271	2,467	29.8	8.8	\$20,376.00		\$26,669.28	\$47,045.28	353	\$133.27
GALLATIN	5,393	763	14.1	4.4	\$10,943.00	\$1,600.00	\$3,566.00	\$16,109.00	38	\$423.92
GRANT	15,737	2,345	14.9	5.3	\$12,756.00	\$2,284.00	\$11,710.50	\$26,750.50	117	\$228.64
GRAYSON	21,050	4,935	23.4	6.9	\$30,852.00		\$1,520.00	\$32,372.00	341	\$94.93
GREEN	10,371	2,188	21.1	8.6	\$12,148.00		\$136.00	\$12,284.00	44	\$279.18
GREENUP	36,742	6,385	17.4	6.8	\$41,500.00	\$18,208.00	\$5,784.50	\$65,492.50	84	\$779.67
HANCOCK	7,864	1,305	16.6	6.8	\$8,040.00	\$5,000.00	\$554.50	\$13,594.50	59	\$230.42
HARDIN	89,240	11,017	12.3	5.5	\$107,360.00		\$22,266.75	\$129,626.75	1084	\$119.58
HARLAN	36,574	11,995	32.8	15.3	\$75,492.00		\$4,868.00	\$80,360.00	789	\$101.85
HARRISON	16,248	2,693	16.6	5.0	\$16,160.00		\$4,574.00	\$20,734.00	292	\$71.01
HART	14,890	4,024	27.0	6.7	\$21,604.00		\$12,772.00	\$34,376.00	313	\$109.83
HICKMAN	5,566	1,087	19.5	6.3	\$10,728.00		\$11,900.20	\$22,628.20	124	\$182.49

DPA TRIAL LEVEL FUNDED COST PER CASE ANALYSIS BY COUNTY - FISCAL YEAR 1998

JESSAMINE	30,508	3,848	12.6	2.4	\$33,300.00		\$23,681.00	\$56,981.00	256	\$222.58
JOHNSON	23,248	6,573	28.3	9.0	\$28,032.00	\$10,232.00	\$2,340.50	\$40,604.50	141	\$287.98
LARUE	11,679	2,297	19.7	4.5	\$14,632.00		\$2,185.50	\$16,817.50	247	\$68.09
LAWRENCE	13,998	4,980	35.6	13.3	\$16,092.00	\$10,319.00	\$1,166.00	\$27,577.00	58	\$475.47
LEWIS	13,029	3,946	30.3	11.2	\$16,456.00	\$6,744.00	\$1,755.00	\$24,955.00	101	\$247.08
LIVINGSTON	9,062	1,376	15.2	6.2	\$11,368.00		\$1,310.00	\$12,678.00	113	\$112.19
LOGAN	24,416	3,881	15.9	4.6	\$38,996.00		\$1,565.00	\$40,561.00	346	\$117.23
MCLEAN	9,628	1,824	18.9	9.1	\$10,688.00		\$1,898.46	\$12,586.46	28	\$449.52
MAGOFFIN	13,077	5,479	41.9	14.3	\$20,532.00		\$320.00	\$20,852.00	110	\$189.56
MARION	16,499	1,688	10.2	7.2	\$5,572.00		\$866.00	\$6,438.00	385	\$16.72
MARSHALL	27,205	3,765	13.8	5.6	\$29,236.00		\$14,786.30	\$44,022.30	513	\$85.81
MARTIN	12,526	4,422	35.3	13.3	\$16,200.00	\$12,262.00	\$1,493.00	\$29,955.00	127	\$235.87
MASON	16,666	3,341	20.0	5.3	\$28,672.00	\$6,500.00	\$2,494.00	\$37,666.00	510	\$73.85
MEADE	24,170	3,085	12.8	5.1	\$25,516.00		\$1,248.68	\$26,764.68	571	\$46.87
MENIFEE	5,092	1,776	34.9	10.6	\$11,208.00		\$685.00	\$11,893.00	135	\$88.10
MERCER	19,148	3,167	16.5	3.7	\$21,140.00		\$3,575.00	\$24,715.00	86	\$287.38
METCALFE	8,963	2,461	27.5	6.4	\$10,144.00		\$6,735.00	\$16,879.00	120	\$140.66
MONROE	11,401	3,025	26.5	5.2	\$17,132.00		\$1,510.00	\$18,642.00	20	\$932.10
MUHLENBURG	31,318	6,381	20.4	11.1	\$30,812.00		\$2,703.38	\$33,515.38	173	\$193.73
NELSON	29,710	4,408	14.8	7.4	\$36,060.50		\$10,785.50	\$46,846.00	646	\$72.52
NICHOLAS	6,725	1,500	22.3	8.4	\$10,092.00		\$1,065.00	\$11,157.00	88	\$126.78
OHIO	21,105	4,911	23.3	9.6	\$24,928.00		\$9,645.50	\$34,573.50	320	\$108.04
OWEN	9,035	1,728	19.1	3.9	\$12,368.00	\$368.00	\$7,572.00	\$20,308.00	8	\$2,538.50
PENDLETON	12,036	2,250	18.7	4.7	\$11,880.00		\$1,644.50	\$13,524.50	85	\$159.11
ROBERTSON	2,124	521	24.5	5.8	\$3,084.00		\$400.00	\$3,484.00	20	\$174.20
SCOTT	23,867	3,323	13.9	2.8	\$24,352.00	\$12,000.00	\$9,242.64	\$45,594.64	476	\$95.79
SIMPSON	15,145	2,318	15.3	5.0	\$30,976.00	\$5,598.00	\$6,550.00	\$43,124.00	327	\$131.88
SPENCER	6,801	1,292	19.0	3.9	\$10,096.00	\$3,000.00	\$530.00	\$13,626.00	33	\$412.91
TAYLOR	21,146	4,021	19.0	5.2	\$36,860.00		\$1,909.00	\$38,769.00	303	\$127.95
TODD	10,940	2,029	18.5	4.6	\$15,444.00		\$640.00	\$16,084.00	70	\$229.77
UNION	16,557	3,615	21.8	6.4	\$22,780.00		\$24,616.89	\$47,396.89	229	\$206.97
WARREN	76,673	12,688	16.5	5.2	\$151,124.00		\$2,437.47	\$153,561.47	1380	\$111.28
WASHINGTON	10,441	1,929	18.5	4.9	\$4,106.00		\$325.00	\$4,431.00	123	\$36.02
WEBSTER	13,955	2,266	16.2	7.8	\$11,564.00		\$21,332.00	\$32,896.00	132	\$249.21
WOODFORD	19,955	1,538	7.7	2.0	\$18,812.00	\$9,500.00	\$4,362.81	\$32,674.81	175	\$186.71
E-TOWN ¹					\$198,700.00			\$198,700.00		
SUBTOTAL	1,477,105	271,674	18.4		\$2,076,087.80	\$173,513.00	\$535,676.50	\$2,785,277.30	22,123	\$125.90

II. FULL-TIME PUBLIC ADVOCACY OFFICES: TOTAL 48 COUNTIES; 18 OFFICES

OFFICE/COUNTY	POP.	POVERTY	PVTY %	UNEMP%	DPA\$	LOCAL\$	RCPMT\$	TOTAL\$	CASES	COST/CASE
CATLETTSBURG										
BOYD	51,150	8,203	16.0	7.1	\$78,624.00	\$84,335.00	\$23,749.50	\$186,708.50	1474	\$126.67
COVINGTON										
KENTON	142,031	13,792	9.7	4.1	\$453,600.00		\$19,065.14	\$453,600.00	3386	\$133.96
HENDERSON										
HENDERSON	43,044	6,206	14.4	6.6	\$137,300.00		\$4,375.00	\$137,300.00	1346	\$102.01
FRANFORT										
FRANKLIN	43,781	4,619	10.6	3.3	\$178,800.00		\$2,250.00	\$178,800.00	450	\$397.33
HAZARD										
KNOTT	17,906	7,035	39.3	10.5			\$-		194	
LETCHER	27,000	8,524	31.6	11.4			\$7,215.00		804	
PERRY	30,283	9,636	31.8	10.2			\$5,689.00		2063	
SUBTOTAL	75,189	25,195	33.5		\$361,800.00		\$12,904.00	\$361,800.00	3061	\$118.20
HOPKINSVILLE										
CALDWELL	13,232	2,579	19.5	7.9			\$995.00		159	
CHRISTIAN	68,941	10,670	15.5	4.7			\$36,263.50		3156	
LYON	6,624	774	11.7	7.6			\$1,345.00		116	
TRIGG	10,361	1,846	17.8	4.2			\$1,572.50		134	
SUBTOTAL	99,158	15,869	16.0		\$474,600.00		\$40,176.00	\$474,600.00	3565	\$133.13
LAGRANGE										
HENRY	12,823	2,513	19.6	4.2			\$1,220.00		203	
OLDHAM	33,263	1,970	5.9	2.3			\$1,467.50		228	
SHELBY	24,824	3,464	14.0	2.8			\$1,712.50		448	
TRIMBLE	10,361	1,846	17.8	3.7			\$565.00		78	
SUBTOTAL	81,271	9,793	12.0		\$318,600.00		\$4,965.00	\$318,600.00	957	\$332.92
LEXINGTON										
FAYETTE	225,366	30,108	13.4	2.4	\$595,925.10	\$107,892.43	\$179,395.26	\$883,212.79	8596	\$102.75
LONDON										
CLAY	21,746	8,656	39.8	8.4			\$332.50		665	
KNOX	29,676	11,298	38.1	6.9			\$2,420.00		738	
LAUREL	43,438	10,630	24.5	6.2			\$8,247.50		776	
LESLIE	13,642	4,808	35.2	7.6			\$75.00		201	
WHITLEY	33,326	10,622	31.9	7.0			\$939.00		841	
SUBTOTAL	141,828	46,014	32.4		\$524,000.00		\$12,014.00	\$524,000.00	3221	\$162.68
LOUISVILLE										
JEFFERSON	664,937	89,755	13.5	4.4	\$1,897,177.61	\$907,717.32	\$39,437.08	\$2,838,332.01	27899	\$101.74
MADISONVILLE										
HOPKINS	46,126	4,489	9.7	7.3	\$205,900.00		\$3,583.75	\$205,900.00	1193	\$172.59

MOREHEAD										
CARTER	24,340	6,377	26.2	12.6			\$1,896.00		595	
ELLIOTT	6,455	2,456	38.0	16.5			\$636.00		203	
MONTGOMERY	19,651	4,043	20.6	6.4			\$3,520.00		890	
MORGAN	11,648	4,328	37.2	11.1			\$1,010.00		228	
ROWAN	20,353	4,856	23.9	6.0			\$4,835.00		830	
SUBTOTAL	82,447	22,060	26.8		\$459,800.00		\$11,897.00	\$459,800.00	2746	\$167.44
PADUCAH										
GRAVES	33,550	5,593	16.7	7.4			\$24,083.48		1187	
MCCRACKEN	62,879	9,798	15.6	4.1			\$21,592.50		2698	
SUBTOTAL	96,429	15,391	16.0		\$563,300.00		\$45,675.98	\$563,300.00	3885	\$144.99
PIKEVILLE										
FLOYD	43,586	13,521	31.0	10.7			\$1,812.50		1210	
PIKE	72,583	18,234	25.1	9.1			\$2,220.50		1447	
SUBTOTAL	116,169	31,755	27.3		\$398,500.00		\$4,033.00	\$398,500.00	2657	\$149.98
RICHMOND										
CLARK	29,496	5,142	17.4	4.0			\$6,392.50		702	
JACKSON	11,955	4,544	38.0	8.1			\$680.00		218	
MADISON	57,508	10,859	18.9	3.9			\$7,890.00		1104	
ROCKCASTLE	14,803	4,498	30.4	6.9			\$5,234.00		267	
SUBTOTAL	113,762	25,043	22.0		\$470,500.00		\$20,196.50	\$470,500.00	2291	\$205.37
SOMERSET										
MCCREARY	15,603	7,062	45.3	10.4			\$2,698.00		474	
PULASKI	49,489	10,954	22.1	5.6			\$3,820.00		659	
RUSSELL	14,716	3,740	25.4	10.7			\$1,800.00		363	
WAYNE	17,468	6446	36.9	6.7			\$40.00		355	
SUBTOTAL	97,276	28,202	29.0		\$429,900.00		\$8,358.00	\$429,900.00	1851	\$232.25
STANFORD										
GARRARD	11,579	2,076	17.9	4.1			\$4,630.00		170	
LINCOLN	20,045	5,375	26.8	5.0			\$9,071.90		214	
SUBTOTAL	31,624	7,451	23.6		\$223,200.00		\$13,701.90	\$223,200.00	384	\$581.25
STANTON										
BREATHITT	15,703	6,072	38.7	11.7			\$400.00		502	
ESTILL	14,614	4,199	28.7	6.1			\$175.00		307	
LEE	7,422	2,704	36.4	6.7			\$-		296	
OWSLEY	5,036	2,570	51.0	5.7			\$130.00		305	
POWELL	11,686	3,032	25.9	6.8			\$190.00		453	
WOLFE	6,503	2,835	43.6	7.0			\$80.00		290	
SUBTOTAL	60,964	21,412	35.1		\$482,900.00		\$655.00	\$482,900.00	2153	\$224.29
SUBTOTAL	2,151,764	384,121	17.9		\$8,254,426.71	\$1,099,944.75	\$446,432.11	\$9,590,953.30	71,115	\$134.87

III. Part-Time/Full-Time Counties

GRAND TOTAL	3,628,869	655,795	18.1	\$10,330,514.51	\$1,273,457.75	\$982,108.61	\$12,586,080.87	93,238	\$134.99
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DPA Trial Level Cases Opened Fiscal Year 98

<i>COUNTY</i>	<i>CIRCUIT</i>	<i>DISTRICT</i>	<i>TOTAL</i>
ADAIR	72	121	193
ALLEN	48	96	144
ANDERSON	10	113	123
BALLARD	77	57	134
BARREN	318	394	712
BATH	1	27	28
BELL	136	1074	1210
BOONE	62	968	1030
BOURBON	96	195	291
BOYD	143	1331	1474
BOYLE	36	226	262
BRACKEN	7	45	52
BREATHITT	74	428	502
BRECKENRIDGE	167	308	475
BULLITT	86	596	682
BUTLER	33	46	79
CALDWELL	66	93	159
CALLOWAY	224	241	465
CAMPBELL	356	1110	1466
CARLISLE	45	13	58
CARROLL	14	28	42
CARTER	81	514	595
CASEY	36	71	107
CHRISTIAN	732	2424	3156
CLARK	111	591	702
CLAY	78	587	665
CLINTON	42	76	118
CRITTENDEN	12	112	124
CUMBERLAND	21	42	63
DAVIESS	422	1520	1942

EDMONSON	28	86	114
ELLIOTT	26	177	203
ESTILL	43	264	307
FAYETTE	2078	6518	8596
FLEMING	20	96	116
FLOYD	298	912	1210
FRANKLIN	136	314	450
FULTON	176	177	353
GALLATIN	9	29	38
GARRARD	36	134	170
GRANT	40	77	117
GRAVES	234	953	1187
GRAYSON	81	260	341
GREEN	16	28	44
GREENUP	27	57	84
HANCOCK	12	47	59
HARDIN	89	995	1084
HARLAN	125	664	789
HARRISON	33	259	292
HART	49	264	313
HENDERSON	352	994	1346
HENRY	41	162	203
HICKMAN	57	67	124
HOPKINS	344	849	1193
JACKSON	24	194	218
JEFFERSON	2944	24955	27899
JESSAMINE	45	211	256
JOHNSON	13	128	141
KENTON	665	2721	3386
KNOTT	61	133	194
KNOX	129	609	738
LARUE	31	216	247
LAUREL	171	605	776
LAWRENCE	19	39	58
LEE	47	249	296

LESLIE	34	167	201
LETCHER	197	607	804
LEWIS	15	86	101
LINCOLN	38	176	214
LIVINGSTON	36	77	113
LOGAN	164	182	346
LYON	63	53	116
MADISON	90	1014	1104
MAGOFFIN	34	76	110
MARION	134	251	385
MARSHALL	220	293	513
MARTIN	18	109	127
MASON	62	448	510
MCCRACKEN	425	2273	2698
MCCREARY	56	418	474
MCLEAN	7	21	28
MEAD	117	454	571
MENIFEE	17	118	135
MERCER	27	59	86
METCALFE	44	76	120
MONROE	19	1	20
MONTGOMERY	153	737	890
MORGAN	35	193	228
MUHLENBERG	38	135	173
NELSON	152	494	646
NICHOLAS	9	79	88
OHIO	133	187	320
OLDHAM	64	164	228
OWEN	1	7	8
OWSLEY	22	283	305
PENDLETON	7	78	85
PERRY	276	1787	2063
PIKE	323	1124	1447
POWELL	87	366	453
PULASKI	155	504	659

ROBERTSON	7	13	20
ROCKCASTLE	74	193	267
ROWAN	129	701	830
RUSSELL	128	235	363
SCOTT	79	397	476
SHELBY	107	341	448
SIMPSON	100	227	327
SPENCER	11	22	33
TAYLOR	38	265	303
TODD	38	32	70
TRIGG	23	111	134
TRIMBLE	12	66	78
UNION	18	211	229
WARREN	24	1356	1380
WASHINGTON	46	77	123
WAYNE	90	265	355
WEBSTER	10	122	132
WHITLEY	131	710	841
WOLFE	60	230	290
WOODFORD	29	146	175
<i>Grand Totals</i>	16,531	76,707	93,238



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Trial Level Capital, Juvenile, and Involuntary Commitment Fiscal Year 98

<i>County</i>	<i>Capital</i>	<i>Juvenile</i>	<i>Involuntary</i>
ADAIR		15	
ALLEN		43	1
ANDERSON		1	
BALLARD		2	
BARREN	1	20	
BATH			
BELL			
BOONE			
BOURBON		1	
BOYD	1	137	
BOYLE		51	
BRACKEN		8	
BREATHITT	1	52	
BRECKENRIDGE	1	35	
BULLITT	7	78	
BUTLER			
CALDWELL		12	
CALLOWAY		9	
CAMPBELL		733	
CARLISLE		1	
CARROLL		8	
CARTER		82	
CASEY	1	5	
CHRISTIAN	1	206	476
CLARK		213	
CLAY		40	

CLINTON	2	13	
CRITTENDEN		15	
CUMBERLAND		7	
DAVIESS		229	
EDMONSON		11	
ELLIOTT		12	
ESTILL		36	
FAYETTE	10	2,397	356
FLEMING		5	
FLOYD	2	143	2
FRANKLIN		52	
FULTON	4	13	
GALLATIN			
GARRARD		17	
GRANT		8	
GRAVES	1	102	
GRAYSON		53	
GREEN		11	
GREENUP		5	
HANCOCK		3	
HARDIN	1	176	13
HARLAN		329	
HARRISON		31	
HART	1	61	
HENDERSON		215	
HENRY		59	
HICKMAN	3	2	
HOPKINS		43	
JACKSON		18	
JEFFERSON	*	8,348 989	
JESSAMINE	3	42	
JOHNSON		11	
KENTON	3	1203	85
KNOTT		15	1

KNOX	3	105	
LARUE			
LAUREL	1	137	
LAWRENCE	1	10	
LEE	2	12	
LESLIE		1	
LETCHER	2	135	
LEWIS		3	
LINCOLN		31	
LIVINGSTON		21	
LOGAN			
LYON	2	4	
MADISON		216	
MAGOFFIN		7	
MARION	1	48	
MARSHALL		36	
MARTIN		2	
MASON		56	
MCCRACKEN	14	205	
MCCREARY		60	
MCLEAN		1	
MEAD		113	
MENIFEE		17	4
MERCER		17	1
METCALFE			
MONROE			
MONTGOMERY		160	
MORGAN		33	
MUHLENBERG		39	
NELSON	2	26	
NICHOLAS		10	
OHIO	1		
OLDHAM		53	
OWEN	1		
OWSLEY		16	

PENDLETON		22	
PERRY		108	412
PIKE	4	287	
POWELL		46	
PULASKI		112	
ROBERTSON		3	
ROCKCASTLE		27	
ROWAN		40	
RUSSELL		25	
SCOTT		52	
SHELBY	1	19	
SIMPSON		97	
SPENCER			
TAYLOR		86	
TODD			
TRIGG		27	
TRIMBLE	1	39	
UNION		37	
WARREN	2	557	161
WASHINGTON		12	
WAYNE		41	
WEBSTER		10	
WHITLEY	3	66	1
WOLFE		20	
WOODFORD	2	28	
<i>Grand Totals</i>	86	18,772	2,502

*** Complete Fiscal Year 98 capital case data for Jefferson County was unavailable at the time of publication.**



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FIELD OFFICE WORKLOAD Fiscal Year 95 Through Fiscal Year 98 and projected workload for Fiscal Year 99, Alphabetically by office¹

OFFICE	# ATTYs AUTHORIZED FY 99	FY 95 Cases	FY 96 Cases	FY 97 Cases	FY 98 Cases	FY 98 AVG	FY 99 Projected	FY 99 AVG
Bowling Green	4	0	0	0	0		1,380	345.0
Cattlettsburg	2	713	733	807	1,474	737.0	1,474	737.0
Columbia	5	0	0	0	0		1,356	271.2
Covington	8	40	1,742	2,972	3,386	483.7	3,386	423.3
Elizabethtown²	6	0	0	0	0	0.0	2,290	381.7
Frankfort	3	576	415	524	450	225.0	1,049	349.7
Hazard	6	2,775	2,820	2,491	3,061	612.2	3,061	510.2
Henderson	3	375	331	749	1,346	767.3	1,707	569.0
Hopkinsville	7	3,076	2,690	3,514	3,565	509.3	3,565	509.3
LaGrange	3	869	997	948	957	319.0	957	319.0
Lexington	18	10,703	9,168	10,119	8,733	545.8	8,733	485.2
London	7	2,174	2,549	2,975	3,221	460.1	3,221	460.1
Louisville³	52	38,150	30,401	31,146	30,106	700.1	30,106	579.0
Madisonville	3	602	151	1,351	1,193	596.5	1,394	464.7
Morehead	6	1,694	1,836	1,593	2,746	457.7	2,746	457.7
Owensboro	3	0	0	0	0		1,942	647.3
Paducah	8	3,137	3,580	4,023	3,885	485.6	3,885	485.6
Paintsville	3	0	0	0	0		436	145.3
Pikeville	6	2,353	2,243	2,372	2,657	442.8	2,237	372.8
Pineville²	3	0	0	0	0	0.0	1,999	666.3
Richmond	7	1,884	2,052	2,598	2,291	381.8	2,291	327.3
Somerset	5	1,878	1,997	1,867	1,851	370.2	1,851	370.2

Stanford	2	410	439	411	384	192.0	384	192.0
Stanton	6	2,006	2,140	1,897	2,153	358.8	2,153	358.8
Conflict Attys⁴	10	0	0	0	0	0.0		
TOTAL	186	73,415	66,284	72,357	73,459	480.3	83,603	449.5

1. Lexington and Louisville's workload numbers include post-trial cases handled internally by those offices, in addition to trial cases. These are included to provide a clearer assessment of individual attorneys' workloads.

2. Pineville and Elizabethtown offices opened as field offices in FY 99. The Elizabethtown office only handled conflict cases until FY 99.

3. Funding is available for 50 attorney positions but turnover due to inadequate funding requires recruiting 52 attorneys.

4. Conflict cases for field offices are included in the caseload figures.



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FIELD OFFICE WORKLOAD Fiscal Year 95 Through Fiscal Year 98 and projected workload for Fiscal Year 99, From highest attorney average caseload to lowest¹

OFFICE	# ATTYs AUTHORIZED FY 99	FY 95 Cases	FY 96 Cases	FY 97 Cases	FY 98 Cases	FY 98 AVG	FY 99 Projected	FY 99 AVG
Cattlettsburg	2	713	733	807	1,474	737.0	1,474	737.0
Pineville ²	3	0	0	0	0	0.0	1,999	666.3
Owensboro	3	0	0	0	0		1,942	647.3
Louisville ³	52	38,150	30,401	31,146	30,106	700.1	30,106	579.0
Henderson	3	375	331	749	1,346	767.3	1,707	569.0
Hazard	6	2,775	2,820	2,491	3,061	612.2	3,061	510.2
Hopkinsville	7	3,076	2,690	3,514	3,565	509.3	3,565	509.3
Paducah	8	3,137	3,580	4,023	3,885	485.6	3,885	485.6
Lexington	18	10,703	9,168	10,119	8,733	545.8	8,733	485.2
Madisonville	3	602	151	1,351	1,193	596.5	1,394	464.7
London	7	2,174	2,549	2,975	3,221	460.1	3,221	460.1
Morehead	6	1,694	1,836	1,593	2,746	457.7	2,746	457.7
Covington	8	40	1,742	2,972	3,386	483.7	3,386	423.3
Elizabethtown ²	6	0	0	0	0	0.0	2,290	381.7
Pikeville	6	2,353	2,243	2,372	2,657	442.8	2,237	372.8
Somerset	5	1,878	1,997	1,867	1,851	370.2	1,851	370.2
Stanton	6	2,006	2,140	1,897	2,153	358.8	2,153	358.8
Frankfort	3	576	415	524	450	225.0	1,049	349.7
Bowling Green	4	0	0	0	0		1,380	345.0
Richmond	7	1,884	2,052	2,598	2,291	381.8	2,291	327.3
LaGrange	3	869	997	948	957	319.0	957	319.0
Columbia	5	0	0	0	0		1,356	271.2
Stanford	2	410	439	411	384	192.0	384	192.0
Paintsville	3	0	0	0	0		436	145.3

Conflict Attys⁴	10	0	0	0	0	0.0		
TOTAL	186	73,415	66,284	72,357	73,459	480.3	83,603	449.5

1. Lexington and Louisville's workload numbers include post-trial cases handled internally by those offices, in addition to trial cases. These are included to provide a clearer assessment of individual attorneys' workloads.
2. Pineville and Elizabethtown offices opened as field offices in FY 99. The Elizabethtown office only handled conflict cases until FY 99.
3. Funding is available for 50 attorney positions but turnover due to inadequate funding requires recruiting 52 attorneys.
4. Conflict cases for field offices are included in the caseload figures.



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BRANCH REPORT:
POST-CONVICTION SERVICES BRANCH
FISCAL YEAR 98 YEAR END REPORT
JULY 1, 1997 - JUNE 30, 1998

Cases Closed (by type of case)

	CON	PAR	INS	DET	CRED	CIV	SEN	PRO	APP	OTHER	TOTAL
FRANKFORT	233	95	289	150	196	150	154	65	221	240	1,793
KSR	163	41	38	80	58	38	54	35	75	121	703
KSP	503	28	228	103	43	172	61	29	151	149	1,467
TOTAL	899	164	555	333	297	360	269	129	447	510	3,963

Notes:**1) Case Types:**

CON = Conviction CIV = Civil

PAR = Parole SEN = Sentence

INS = Institutional PRO = Probation

DET = Detainer APP = Appeal

CRED = Credit

2) These figures do not include appointments to Jefferson County post-conviction cases, which DPA handles for Jefferson County Public Defender office pursuant to an agreement between that office and the Public Advocate. Since October 1993, these cases have been handled by a DPA contractor rather than by full-time DPA attorneys.



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**BRANCH REPORT:
APPELLATE BRANCH
FISCAL YEAR 98 REPORT
July 1, 1997 - June 30, 1998**

Appellate Cases Received -- Appellate Cases Assigned to Counsel or Otherwise Resolved

	# Received	# Resolved In-House Without Assignment to An Attorney	# Assigned In-House	# Assigned to Of- Counsel Attorneys
ALL CASES	613	180	293	257
<u>COURTS</u>				
KY SUPREME COURT	91	11	121	0
KY COURT OF APPEALS	507	149	172	257
CIRCUIT COURTS	6	20	0	0
UNKNOWN	9	0	0	0
<u>TYPES OF CASES</u>				
DIRECT APPEALS	289	41	126	184
POST-CONVICTION	316	111	165	72
DEATH PENALTY APPEALS	7	0	6	0
MISCELLANEOUS	8	28	0	1

Notes:

1) These numbers are actual and not estimated. They were taken directly from records on each individual case. These numbers, however, must be deemed approximate, due to the potential for human error in the process of manually counting records concerning a quarter's work. The raw data from which this information was taken was not originally recorded for statistical purposes, so the format in which it was kept is inadequate for such purposes. We hope to someday have a database which will computerize our statistics.



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BRANCH REPORT: INVESTIGATIVE BRANCH MONTHLY REPORT FISCAL YEAR 98

MONTH	CASES ASSIGNED	<u>H O M I C I D E S</u>			MILES DRIVEN		
		CAPITAL	MURDER	*OTHER			
JULY	34	1	0	0	25,292		
AUGUST	100	2	5	0	25,650		
SEPTEMBER	103	1	5	0	27,785		
OCTOBER	66	3	5	1	24,592		
NOVEMBER	86	3	4	1	24,769		
DECEMBER	98	0	2	0	24,128		
JANUARY	65	0	5	0	25,063		
FEBRUARY	55	3	3	0	24,406		
MARCH	77	4	2	0	25,767		
APRIL	56	0	2 (1 is 3 cts.)	0	27,336		
MAY	57	2	3	1	24,530		
JUNE	84	0	2	0	24,890		
TOTALS	881	19	36	3	304,208		

* Includes Capital Post-Conviction, Capital Appeals, Murder Appeals, Manslaughter, Reckless Homicide cases, etc.
- any homicide cases with the exception of trial level Capital Murder and Murder cases.



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**BRANCH REPORT:
JUVENILE POST-DISPOSITIONAL BRANCH
FISCAL YEAR 98 REPORTED CASES**

	FACT	DURATION	CONDITIONS	TOTAL
Cardinal	25	8	47	80
Central	20	52	44	116
Green River	36	7	8	51
Johnson Breckinridge	16	15	17	48
Lake Cumberland	21	36	13	70
Lincoln Village	31	24	23	78
Mayfield	26	8	21	55
Morehead	42	16	46	104
Northern	18	28	29	75
Owensboro	22	5	27	54
Rice Audubon	21	47	8	76
Woodsbend	46	15	41	102
Totals	324	261	324	909



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**DEPARTMENT OF PUBLIC ADVOCACY
CAPITAL POST-CONVICTION BRANCH
FISCAL YEAR 1998
July 1 1997 - June 30, 1998
Caseload Data**

Stage	CPB Cases	DPA/Non-CPB	Contract Counsel	
11.42 (Stage)	6	1	5	
10.02	2			
10.02 Evidentiary Hearing				
60.02				
60.02 Evidentiary Hearing				
State Habeas				
State Habeas Evidentiary Hearing				
Post-Conviction Appeal (Stage)	4			
Discretionary Review				
Cert from Post-Conviction Appeal (Stage)	2			
Federal Habeas (Stage)				
Federal Habeas Evidentiary Hearing				1
Federal Habeas Appeal (Stage)				2
Cert from Federal Habeas (Stage)				
Clemency (Stage)				
IAD/Extradition				
Civil Litigation (§ 1983, FOIA, Open Records, etc.)	1			
Stay Litigation (Trial Level)	7			
Stay Litigation (Appellate Level)	4			
Original Actions				
Total Number of Clients	26	4	5	

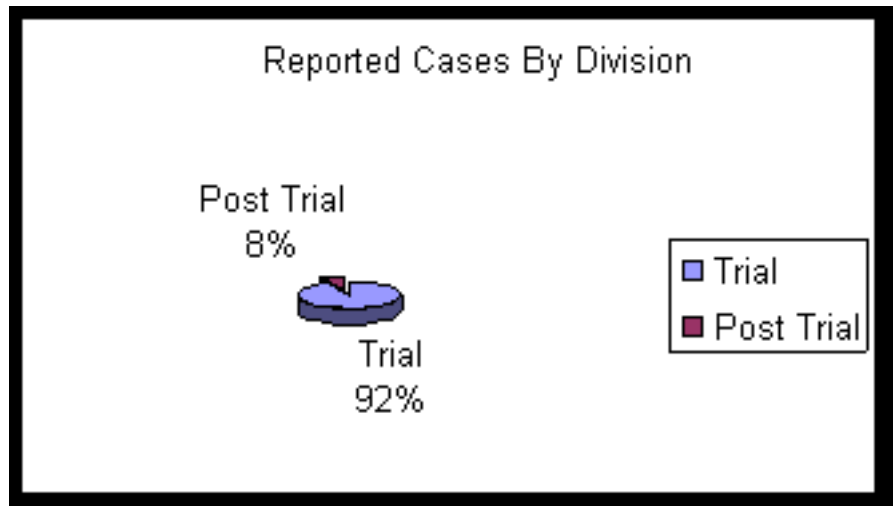
*Capital post-conviction cases on direct appeal represented by Appellate Branch attorneys are reflected in Appellate Branch numbers, not in this table.



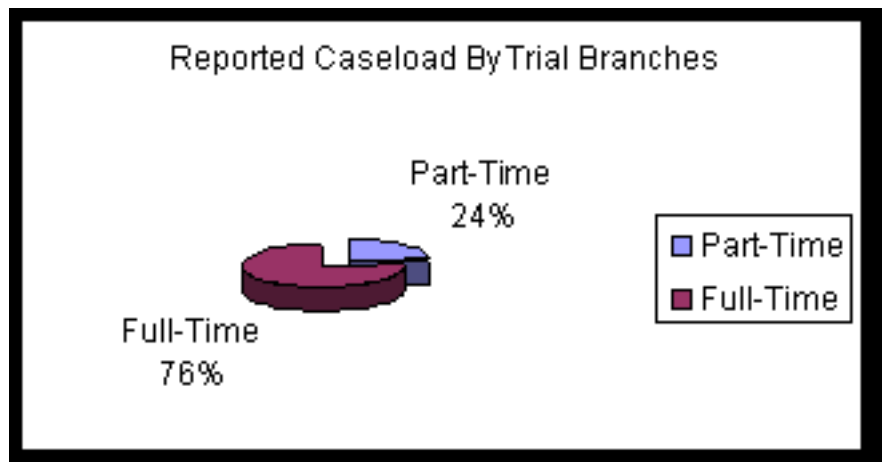
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**DEPARTMENT OF PUBLIC ADVOCACY
FISCAL YEAR 1998 REPORTED CASES
DIVISION/ BRANCH PERCENTAGE**

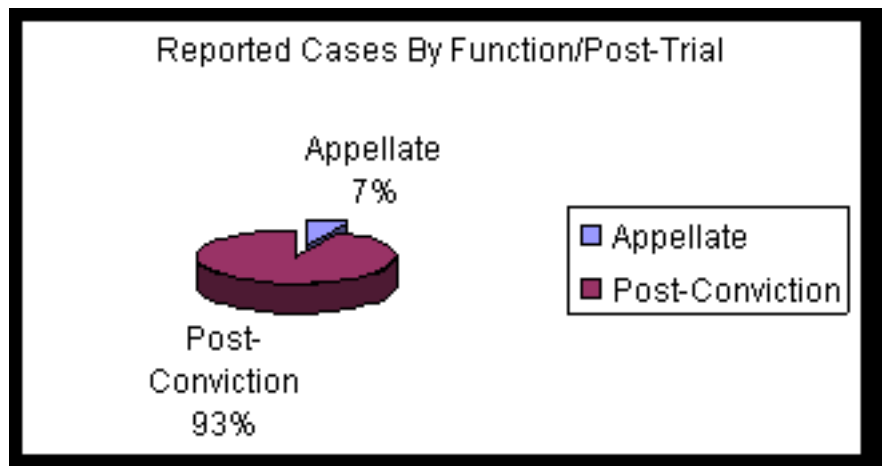
Division	Total Cases	% Total
Trial	93,238	92%
Post Trial	7,972	8%
Total	101,210	



Branches/Trial	Total Cases	% Total
Part-Time	22,123	24%
Full-Time	71,115	76%
Total	93,238	

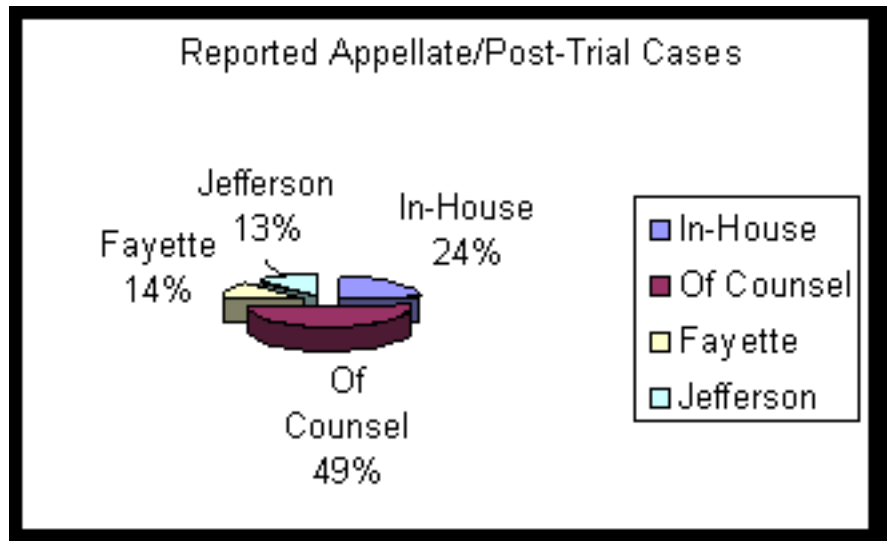


Function/Post-Trial	Total Cases	% Total
Appellate	521	7%
Post-Conviction	7,451	93%
Total	7,972	

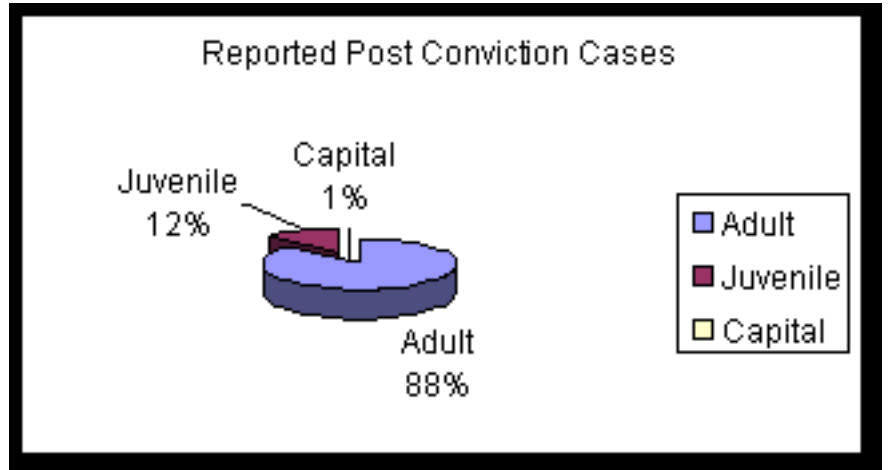


Appellate/Post-Trial	Total Cases	% Total
In-House	126	24%

Of Counsel	257	49%
Fayette	71	14%
Jefferson	67	13%
Total	521	



Post-Conviction /Post-Trial	Total Cases	% Total
Adult	6,516	87%
Juvenile	909	12%
Capital	26	1%
Total	7,451	

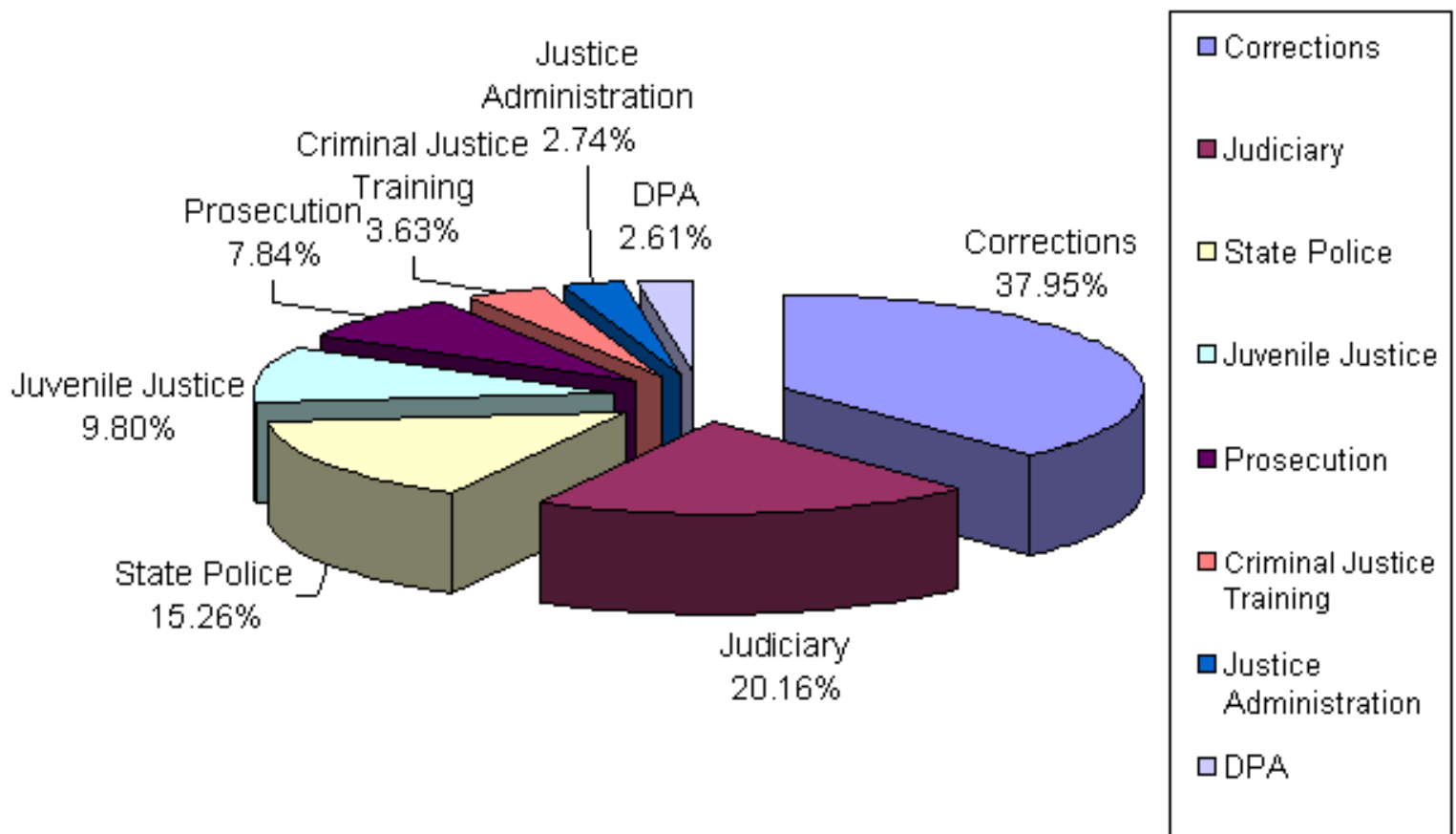


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FY 1998 Criminal Justice Budgets, Total Funds

Agency	Total Funds	%Total
Corrections	\$270,252,700.00	37.95%
Judiciary	\$143,563,100.00	20.16%
State Police	\$108,698,600.00	15.26%
Juvenile Justice	\$69,811,700.00	9.80%
Prosecution	\$55,840,600.00	7.84%
Criminal Justice Training	\$25,860,000.00	3.63%
Justice Administration	\$19,542,500.00	2.74%
DPA	\$18,595,600.00	2.61%
Total	\$712,164,800.00	100.00%

FY 98 CRIMINAL JUSTICE BUDGETS, AGENCY PERCENTAGE



[Go back to the Table of Contents](http://dpa.state.ky.us/library/caseload98/graph.html)

This site will look much better in a browser that supports current Web standards, but the contents are accessible to any browser.

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KYDepartment of Public Advocacy

Welcome From the Public Advocate



Ernie Lewis

Public Advocate

THE CASELOAD REPORT **FOR FY 2004 IS NOW** **AVAILABLE**

(.pdf format)

[Justice / DPA Memorandum of Agreement](#)

HEADLINES:



Justice Jeopardized

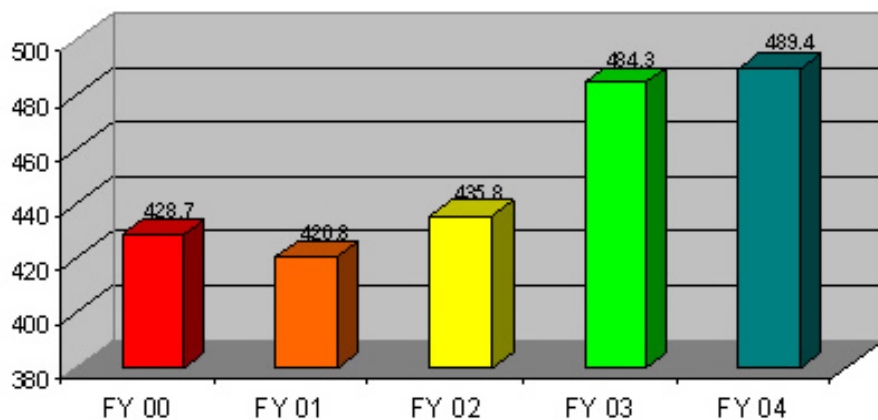
Wednesday December 22, 2004

DPA Launches Justice Jeopardized Campaign to reduce caseloads of public defenders in Kentucky.

Forty years ago, in the landmark case of Gideon v. Wainwright, the United States Supreme Court declared "any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him." As the justices said, "This seems an obvious truth." Yet decades later has the promise of Gideon been fulfilled in Kentucky?

[FULL REPORT](#)

Cases per DPA Attorney



Wednesday December 22, 2004

Most recent data demonstrates that the quality of justice being provided by Kentucky's public defenders is compromised by the continued significant increase in caseload.

[Graphical Findings of 2004 Caseload Report](#)

DPA represents over 100,000 citizens each year in Kentucky's trial and appellate courts. The staff of the Kentucky's statewide defender program protects what we value most - our liberty and our life. Every day in KY's 120 counties our defenders, supported by our staff of legal secretaries, investigators, paralegals, mitigation specialists, social workers and administrators, stand up for citizens who are accused by the state of having committed a crime. Defenders insure the criminal justice process is fair, the result reached by jurors and judges is just, and that individual liberties are protected. Enjoy learning about the many faces of justice our Department presents to the people of KY. It is a privilege to represent our clients. We do so on behalf of the people of Kentucky.

About Us

General Counsel is Karen Quinn. **Post Trial Division Director** is [Rebecca Diloreto](#). **Director of the Administrative Division, Law Operations Division Director** is [Alfred G. Adams](#). [Jeff Sherr](#) heads up DPA's **Education & Strategic Planning Branch**. The **Louisville Public Defender Office** is led by Dan Goyette. The **Lexington Legal Aid Office** is led by Joe Barbieri. [Maureen Fitzgerald](#) is the **Protection & Advocacy Division Director**. DPA's governing statute is [KRS Chapter 31](#). DPA's [mission](#), [core values](#), and [long term goals](#) provide clear direction for DPA. DPA provides significant [public value](#). DPA's [Legislative Update](#) covers criminal justice legislative issues. In June 2002 the [AOC/DPA Workgroup issued special Report on Eligibility & Pretrial Release](#). The ABA Juvenile Justice Center with the Children's Law Center has released "Advancing Justice: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings." It is at: <http://www.abanet.org/crimjust/juvjus/kentuckyhome.htm> The ABA adopted The Ten Principles of a public Defense Delivery System February 2002, which constitute the fundamental criteria to be met for a public defense delivery system to deliver effective and efficient, high quality,

ethical, conflict-free representation to accused persons who cannot afford to hire an attorney.

<http://www.abanet.org/legalservices/downloads/sclaid/10principles.pdf>

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